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(831) 646-8840 **Report Polluters**



May 26, 2009

Attn: Ms. Mary Adams  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 94301

**Re: Integrated Report (303(d) and 305(b))**

Dear Ms. Adams, Regional Board Members, Executive Officer Briggs, and staff:

Thank you for the opportunity to comment on the 2008 Integrated Report including the 303(d) list of impaired waterways and the 305(b) surface water assessment for the Central Coast (the Report).

The following comments are made on behalf of Monterey Coastkeeper. Monterey Coastkeeper's area of concern includes small areas of San Mateo and Santa Clara counties, all of Monterey and Santa Cruz counties, and much of San Benito County (essentially the northern half of the Central Coast RWQCB jurisdiction). Our comments do not address the waters of San Luis Obispo or Santa Barbara counties.

In general, we are highly supportive of the new listings. We have specific comments/additions detailed below. But we are concerned with the process from this point forward: the RWQCB must find a way to create and implement TMDLs and address pollution issues more quickly than is presently occurring.

We are very pleased that the Central Coast Regional Water Quality Control Board (RWQCB) staff has taken a broader look at Central Coast waters. This broader look has - for the first time - given us a more complete impression of the health of our waters. RWQCB staff found that the waters of Monterey County's coastal streams were in a relatively healthy state. The more comprehensive look also tells us that watersheds such as the Pajaro and Salinas are in serious need of fast action and that the pollution and impairments of these watersheds is widespread.

We understand and appreciate that the additional listings do not necessarily indicate that pollution is dramatically increasing; instead, we hear loud and clear that the closer we look, the more we will find. We applaud staff's efforts to test and evaluate more waters.

We especially appreciate the use of a nitrate standard protective of aquatic health. Using the more lax drinking water standard is not protective of all beneficial uses and the aquatic health level of protection is more appropriate. We commend the Board and staff for this thoughtful approach.

While we understand the enormity and complexity of the task, we are concerned with the lateness of this report. This report is the 2008 biennial report - due in 2008, not mid-2009. It

is the predictability of when the draft report will be released for comment that is problematic. We trust work is well underway for the 2010 report and that it will be completed on time. We look forward to commenting on the 2010 draft report. Completing the Integrated Report on time is the first step to improving water quality in our impaired watersheds.

We would like the RWQCB and staff to consider two additional listings (for the same waterbody) and to reconsider its Monterey and Santa Cruz County beach delistings. We believe the CCLEAN data that you already have supports listing Monterey Bay as impaired for PCBs and perhaps DDT. The DDT and PCB laden sediments are often referred to as the "bathtub ring" around Monterey Bay. NOAA published a report, using CCLEAN data, indicating that PCBs are being delivered down-current from San Francisco Bay. Listing Monterey Bay as impaired for PCBs would support the PCB listing in the San Francisco region. DDT, carried by sediments from the Pajaro and Salinas rivers would support sediment and DDT TMDLs in these rivers. This listing would also bring attention to the value of healthy riparian corridors along our waterways. We believe you already have in your possession the CCLEAN data to support listing Monterey Bay as impaired for DDT and PCB.

We would like the Board and staff to reconsider several beach delistings in Santa Cruz County plus Lovers Point (Monterey County), and Stillwater Cove in Pebble Beach (Monterey County). Following is data offered on the Santa Cruz County website at: [http://sccounty01.co.santa-cruz.ca.us/eh/environmental\\_water\\_quality/current\\_water\\_quality\\_data/index.htm#oceans](http://sccounty01.co.santa-cruz.ca.us/eh/environmental_water_quality/current_water_quality_data/index.htm#oceans)

The following message is posted on the May 25 version of this website:

## **WATER QUALITY ADVISORY:**

Water Quality results for Santa Cruz Main Beach East of the Wharf and Cowells Beach West of the Wharf indicate elevated E. coli and Enterococcus levels. These beaches have been posted with swimming advisory signs. The beaches will be monitored and advisory signs removed when bacteria levels return to safe body contact standards.

Capitola Beach has elevated bacteria levels due to the dredging of Soquel Creek. Swimming advisories have been posted and will remain in effect until bacteria levels meet safe swimming standards.

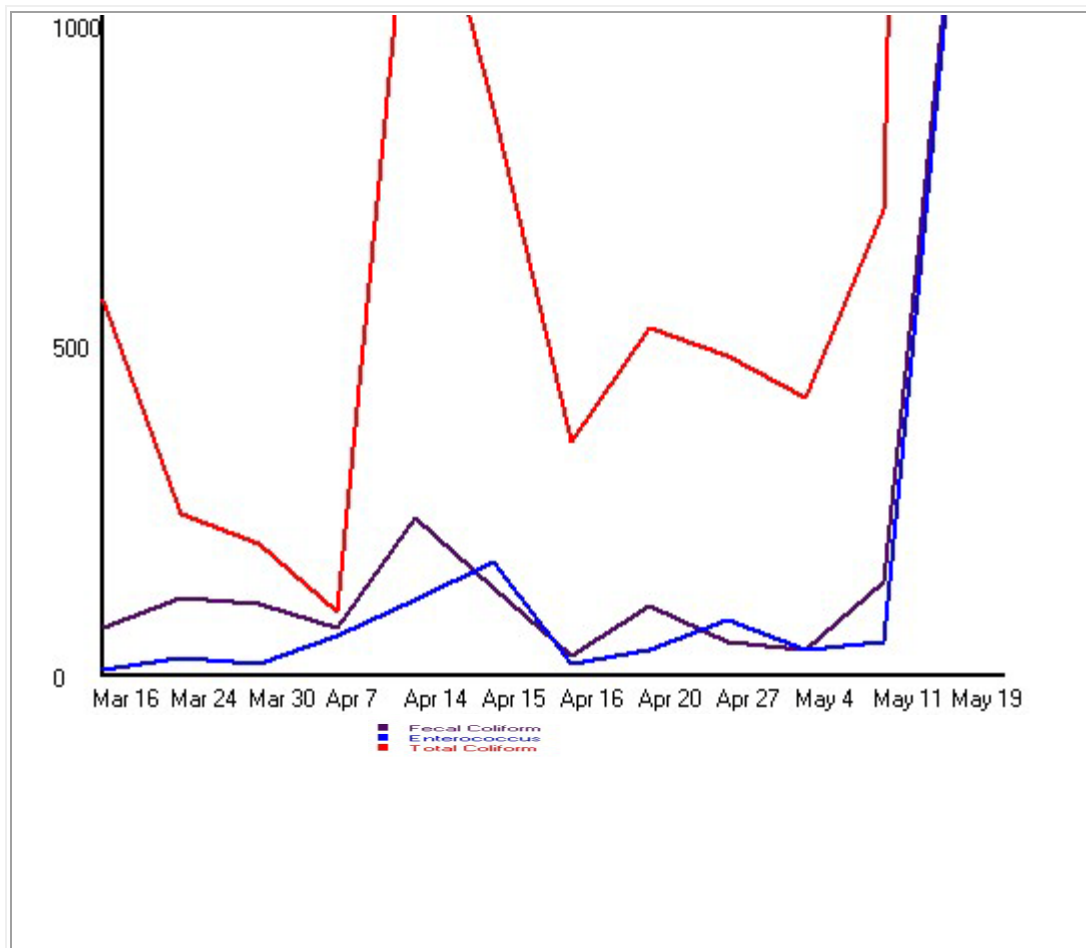
### **THE FOLLOWING AREAS ARE PERMANENTLY POSTED BY THE COUNTY DUE TO ROUTINELY HIGH BACTERIA LEVELS:**

Aptos Creek at Rio del Mar Beach  
Porter Gulch Creek at New Brighton Beach  
Soquel Creek mouth at Capitola Beach  
Schwan Lagoon at Twin Lakes Beach  
San Lorenzo River mouth  
Neary Lagoon at Cowell Beach

THESE WATER BODIES AND ADJACENT AREAS GENERALLY CONTAIN BACTERIA LEVELS ABOVE SAFE BODY CONTACT STANDARDS AND ARE CONSIDERED UNSAFE FOR BODY CONTACT.

We would add that while an explanation is given for Capitola Beach, this beach often has water quality problems and should remain listed as impaired. The peak of April 7-14 is before dredging began in our recollection.

### Trends for the Past Three Months



Main Beach and Cowells Beach are closed at this time and are closed frequently enough to be considered impaired in our opinion. Santa Cruz County Environmental Health Services offers longer term data than what is posted on their website.

Monterey County publishes less trend data than Santa Cruz County. Monterey County data is found at: <http://www.co.monterey.ca.us/health/beaches/>. The current listing for Lovers Point Beach shows little problem but news reports occasionally report closures due to high bacteria levels. See: <http://www.ksbw.com/news/13857649/detail.html>.

The May 25<sup>th</sup> version of the Monterey County website does indicate a recent problem at Stillwater Cove the week of April 21. The following data is shown:

#### Stillwater Cove

Analysis Name	4/21/2009	4/28/2009	5/5/2009	5/12/2009	5/19/2009<>	Single Sample Criteria (# Bact./100 ml)	30 Day Log. Mean Average (# Bact./100 ml)	30 Day Log Mean Average Criteria (# Bact./100 ml)
<b>Enterococcus</b>	52	10	<10	<10	<10	<b>104</b>	OK	<b>35</b>
<b>Fecal coliform</b>	135	278	31	<10	<10	<b>400</b>	OK	<b>200</b>
<b>Total coliform-Q</b>	1296	350	74	31	<10	<b>10000</b>	OK	<b>1000</b>
<b>Ratio of fecal coliform to total coliform</b>	0.104	NA	NA	NA	NA	<b>Min. 1,000 total coliform Ratio not greater than .1</b>		<b>N/A</b>

We believe checking with the Monterey County Health Department will show additional problems beyond this one week.

With the addition of beaches and ocean listings noted above, the Monterey Coastkeeper is generally very supportive of the new listings offered by RWQCB staff. CCAMP staff has done an excellent job. Creating TMDLs is the next, and most critical, step in improving water quality. USEPA guidance found at:

[http://www.epa.gov/OWOW/tmdl/ratepace.html#N\\_2\\_#N\\_2](http://www.epa.gov/OWOW/tmdl/ratepace.html#N_2_#N_2) specifies that the time between listing and TMDL completion dates should be 13 years or [much] less. We are struck by the tardiness of TMDL completion. A few examples include:

Waterbody	Year listed	TMDL completion date	Years from listing to completion
Lompico Creek	1994	2011	17 years
Monterey Harbor	1998	2021	23 years
Watsonville Slough	1996	2021	25 years
Schwan Lake	1992	2021	29 years
Moss Landing Harbor	1990	2021	31 years
Soquel Lagoon	1990	2021	31 years

One-third of a century from listing to TMDL completion is simply not acceptable.

Changing listing criteria is also not an acceptable mechanism to extend TMDL deadlines. Again, Elkhorn Slough provides an example: The RWQCB is suggesting a delisting of impairment for pathogens (we assume listed in 1990, although it is never shown) and a new 2008 listing for *E. coli* with a new TMDL completion date of 2021. Sliding the elapsed time from 31 to 13 years is unacceptable. The 'refinement' of listing criteria is a positive development but should not cloud the date of the original listing. There are several additional occurrences of this refinement and date slippage in the Salinas watershed - an area we all agree is critically important to quickly address.

The time from initial listing to TMDL completion must be transparent. All instances - and there are many - of delistings and relistings should carry-forward the original listing date.

We are offering a mixed message: while we believe decades for TMDL implementation is far too long, we also agree with staff's Salinas River and Reclamation Canal priorities (meaning that some impaired waterbodies may have to wait even longer before being addressed). The bottom line is that the Central Coast Regional Water Quality Control Board must move quickly and decisively to create TMDLs to address impairments. The RWQCB must find a way to create literally hundreds of TMDLs over the next decade.

The Monterey Coastkeeper believes that if the RWQCB exercises its regulatory authority, agriculture and urban dischargers will learn to avoid polluting the public's water. Creating, implementing, and enforcing TMDLs to regulate discharges will send a message throughout the region. TMDL implementation and enforcement must become a major function of the Board.

The text of the report also highlights two supporting actions we strongly encourage: a thorough and enforceable irrigated agriculture permit program and the protection of riparian resources.

The text of the report highlights the need for a strong agricultural waiver program to address agricultural pollution, yet the Board will soon be asked to extend the old and ineffective waiver for another year. The new waiver must regulate, inspect and enforce agricultural discharges. The RWQCB staff should begin drafting a new waiver - independent of the stalled agriculture panel talks - and should implement and enforce the new waiver on an interim basis immediately. The new waiver should address tailwater, groundwater and stormwater agricultural discharges and should protect riparian vegetation.

The listings repeatedly mention the removal of vegetated buffers and riparian vegetation as a suspected contributor to impairment. The RWQCB must move swiftly to protect riparian corridors and should encourage restoration of vegetated buffers and riparian vegetation. Research has consistently shown that vegetated buffers retain and remove pesticides, nutrients, pathogens, and sediments. Riparian corridors become the last - ultimate - vegetated buffer before runoff and stormwater reach an open waterbody. Surveys completed by the Monterey County Farm Bureau show that vegetated buffers are routinely being destroyed as a "food safety" practice; riparian protection must become a very high priority.

In conclusion, the Monterey Coastkeeper supports the new listings offered by staff. We encourage staff to take a look at CCLEAN data to see if impairments of Monterey Bay for PCB

and DDT are warranted. We encourage staff to contact Monterey County Health Department and Santa Cruz County Environmental Health Services and take a second look at beach delistings; we believe the delistings are not warranted.

We recognize that the exercise of 'listing' does little to improve water quality. The primary message of this comment letter is for the Board to move ahead very quickly to create and implement TMDLs. We have already waited a third of a century for TMDLs to be created for some waterbodies. Critical, high priority waterbodies such as the Salinas River and Reclamation Canal should not wait any longer for attention. The Regional Board must take action now.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Shimek', with a stylized, cursive script.

Steve Shimek  
Monterey Coastkeeper